

Senate Bill 11 (Bowen)
Contributions: voting equipment manufacturers or vendors

Version: As introduced, December 6, 2004

Status: From printer. May be heard in committee January 6

Executive Summary

This bill prohibits a candidate for elective state or local office from accepting any contributions from a manufacturer or vendor of voting equipment or systems.

Recommendation

Oppose unless amended to include language providing that any attorneys' fees and court costs will be paid from the state General Fund, and not the Commission's budget.

Summary

The bill's prohibition is refreshingly concise: "A candidate for elective state or local office shall not accept any contribution from a manufacturer or vendor of voting equipment or systems."

Analysis

Tailoring? What tailoring? The bill affects candidates for every state and local office, including school districts, water boards, etc., many of whom have no involvement in decisions related to voting equipment. The Commission may wish to ask why these manufactures and vendors should be prohibited from exercising their right to free speech by supporting candidates of their choosing, while vendors of other goods and services are not similarly prohibited.

Looking for models Section 85702 of the Act, the prohibition on contributions from lobbyists, is the only section of the Act that prohibits contributions from one class of potential contributors, but it is crafted to prohibit only contributions to candidates whose offices a lobbyist is registered to lobby. The approach taken in Section 84308 of banning contributions from potential contractors during the period of time prior to and just after selection of a vendor is pending might be a better approach. The section would usually not apply to voting system vendor contracts, but its approach could be borrowed for this purpose, and would be more likely to withstand a constitutional challenge. The operative language of 84308 reads:

No officer of an agency shall accept, solicit, or direct a contribution of more than two hundred fifty dollars (\$250) from any [manufacturer or vendor] or his or her agent, while a proceeding involving a [voting system contract] is pending before the agency and for three months following the date a final decision is rendered . . .

Legal Challenges As with other measures potentially susceptible of a legal challenge, staff recommends the following language be added to the bill:

If this section is successfully challenged, any attorney's fees and costs shall be paid from the General Fund and the commission's budget shall not be reduced accordingly.